

### **REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 22, 23, 27, 39, and 40 are amended and new claim 41 is added to secure an appropriate scope of protection to which Applicants are believed entitled. Accordingly, claims 22-27 and 29-41 are pending in this application.

#### **Objections to the Claims**

The Examiner objects to claims 23 and 40 because of informalities. Applicants amend claims 23 and 40 to replace the word “minor” with “mirror,” as suggest by the Examiner, to obviate the objection thereto. Accordingly, withdrawal of the objection to claims 23 and 40 is respectfully requested.

#### **Claim Rejections Under 35 USC 112**

The Examiner rejects claims 27 and 39 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. The Office Action indicates that claim 27 lacks sufficient antecedent basis for the limitation of “said weakened region,” and claim 39 lacks sufficient antecedent basis for the limitation of “the epoxy and hardener.” Applicants amend claim 27 to recite “a weakened region of the outlet,” and claim 39 is amended to depend from claim 38, as well as to correct a typographical error. Accordingly, withdrawal of the rejection is respectfully requested.

#### **Claim Rejections Under 35 USC 103**

Claims 22-27, 29-31, 36, 37, and 40 stand rejected under 35 U.S.C. 103(a) over Japanese Patent Document No. JP-3059476 (JP ‘476) in view of Rosen et al. (US 7,241,066).

Claims 34 and 35 stand rejected under 35 U.S.C. §103(a) over JP ‘476 and Rosen, and further in view of Fukushima (US 4,790,429).

Claims 32, 33, 38, and 39 stand rejected under 35 U.S.C. §103(a) over JP ‘476 and Rosen, and further in view of Bollmeier (US 3,074,544).

In response, claim 22 is amended, and as presented below, is believed to be patentable over the applied art for the failure of the applied art to disclose, teach or suggest all of Applicants' recited claim features.

As amended, independent claim 22 recites, *inter alia*, a one use substance dispensing device that includes a respective flexible receptacle for each substance, "wherein each of the receptacles has a circular base and a flat circular upper surface, wherein a diameter of the upper surface is smaller than a diameter at the base." Applicants respectfully submit that asserted combination of references fails to disclose, teach, or suggest these feature.

JP '476 appears to disclose two semicircular trays 3, the form factor determined by fold line 4 between the two trays. Rosen similarly fails to disclose a receptacle having a circular base and a flat circular upper surface, let alone wherein a diameter of the upper surface is smaller than a diameter at the base. Neither Fukushima nor Bollmeier remedy the deficiencies of Rosen or JP '476.

Applicants respectfully submit that the relative dimensions of the base and upper flat surface of the receptacles, as recited in amended claim 22, permit the upper surface of the receptacle to function as a piston allowing substantially complete evacuation of the contents of the receptacles via the claimed outlets.

Applicants respectfully submit that the asserted combination of references fails to disclose the features of amended claim 22 and therefore claim 22 is patentable over the applied references.

Claims 23-40 depend from independent claim 22 and are likewise patentable over any allowable combination of applied references, at least for their dependence on claim 22, an allowable base claim, as well as for additional features they recite.

### **New Claims**

New claim 41 is added to further recite approximate diameters of the top and base of each receptacle, and is supported in the specification at page 6, lines 24-26. The claimed diameters of the base and the flat top surface of the receptacles allow for substantially complete evacuation of the receptacles.

**Conclusion**

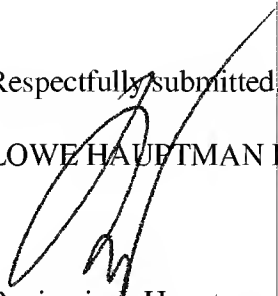
All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Benjamin J. Hauptman  
Registration No. 29,310

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: December 15, 2009  
BJH:ERM/tal